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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,323	01/09/2004	Brett W. Sareyka	0326	7488

7590 05/12/2010
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EXAMINER

CHAPMAN, JEANETTE E

ART UNIT	PAPER NUMBER
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3633

MAIL DATE	DELIVERY MODE
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05/12/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/754,323	Applicant(s) SAREYKA ET AL.	
	Examiner Jeanette E. Chapman	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 April 2010.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2,3 and 13 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 2-3 and 13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-3 and 13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Licklitter et al (3312488).

Claim 2

Licklitter does not disclose the improvement of claim 13, wherein the radius is about .04 inches. Such a limitation would be well within the scope of the invention of the above references. Including the radius would only require routine experimentation. Applicant has not shown that the recited radius causes the connection to function differently or favorably over the prior art

Claim 3

Licklitter does not disclose the improvement of claim 13, wherein the dimensions of figure 2a. Such limitations would be well within the scope of the invention of the above references. Including the dimensions would only require routine experimentation. Applicant has not shown that the recited dimensions cause the connection to function differently or favorably over the prior art

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Claim 13

Lickliter et al discloses a connector (22) for a suspended ceiling grid , shown in figure 1 , having a main beam (1) and cross beams (3) ,

- wherein a connector (2) on a cross beam (3)

(a) is capable of being stabbed through a slot (12) in the main beam (1) to lock with the main beam (1), and with an opposing identical connector (22) already in the slot (12), on a cross beam (3), and

(b) has a cantilevered locking latch (42) integral with and pivoted from a base (26/28) in the connector (22),

and wherein,

(c) when the connector (22) is stabbed through the slot (12) in the main beam (1), the locking latch (42) is capable of contacting a side of a slot (12) and being forced by a side of the slot (12) to flex toward the base (26/28) to permit the locking latch (40) to pass through the slot (23), and

(d) when the connector (22) has been stabbed through the slot (23), the locking latch (42) is capable of flexing back to a relaxed position wherein it is pivoted away from the base (26/28), to lock the connector (22) on cross beam (3) to the main beam (1),

the improvement comprising

the locking latch (42) formed with a curved portion 44 before extending in straight lever fashion wherein the curved portion of locking latch (40) is capable of delaying contact of the locking latch (42) with a side of the slot (12) when the connector (22) is stabbed

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through the slot (12) in the main beam (1), and whereby connector (22) is capable of being adjusted vertically without being forced against the connector (22) already in the slot (12) by the locking latch (42) in contact with a side of slot (12).

Response to Arguments

Applicant's arguments with respect to claims 2-3 and 13 have been considered but are moot in view of the new ground(s) of rejection.

The affidavit of Gale Sauer is no longer applicable in that this reference is no longer be applied as a reference against the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanette E. Chapman whose telephone number is 571-272-6841. The examiner can normally be reached on monday-friday, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeanette E Chapman/
Primary Examiner, Art Unit 3633
